

E 57 Alexis Harris

Hello and welcome to Episode 57 of the decarceration nation podcast, a podcast about radically reimagining America's criminal justice system.

I'm Josh Hoe, among other things, I'm formerly incarcerated a freelance writer, criminal justice reform advocate, and the author of the book *writing your own best story, addiction and living hope*. We'll get to my interview with Dr. Alexis Harris in just a second. But first the news.

It's been a crazy week as I get ready to start my new job. Thanks to my friends at the Michigan Council for Crime and Delinquency and all my longtime freelance writing clients for being so supportive for so long. I'm very excited to start this next chapter in my life this week. But it also has been bittersweet saying goodbye to a bunch of old work friends.

Not sure everyone knows but I write a story for our weekly newsletter every week. Last week was a story about my frustration over governor to Santas in Florida, signaling that he would sign legislation gutting amendment four, which was designed to let formerly incarcerated people vote in Florida. I had my problems with amendment four and still have my problems with amendment four. But I was very happy for the 1.5 million people who would have been allowed to vote. Unfortunately, this new legislation guts that amendment by requiring that every formerly incarcerated person would have to fully pay off their criminal justice debt before being allowed to vote. Now remember, while that sounds may be reasonable, when people come out of prison or jail, they're often saddled with 10s of thousands of dollars of criminal justice, debt and not much of a way to pay it. Now, there are some alternatives built into the bill. But formerly incarcerated folks would have to appeal for relief from a judge, which is an additional barrier. And those alternatives aren't, they have to be agreed to by a judge. So this is still for the most part, people have to pay off 10s of thousands of dollars, in many cases of their criminal justice debt before they'll be able to devote and

remember so many people come out of prison with absolutely nothing facing employment discrimination, discrimination, and housing, discrimination, all other kinds of forms of societal discrimination. It's just a very, very cheap way to try to make sure that amendment four doesn't happen. Let me say, this makes it really hard for anyone who comes out. But the really big problem about this is it makes it that only the formerly incarcerated people who have money or who have families with money will be able to vote. And it will make sure that any formerly incarcerated person who doesn't have money will not be able to vote. There's something profoundly troubling with wealth being the prime determinant of who gets to participate in our political system. The people that most need a voice are the people most at risk, most in need, and most locked out of our political system. No taxation without representation was one of the founding principles of our country. And we need to get back to where we insist that this is the case. Okay, that's a really good starting point for my conversation with Dr. Alexis Harris. If you want to sign up for our newsletter, you can do so from our website.

Alexis Harris is the president presidential term professor in the Department of Sociology at the University of Washington, she received her PhD in sociology from the University of California, Los Angeles in 2002. Her research focuses on the social stratification inequality with an emphasis on juvenile and criminal justice, processing and outcomes. Dr. Harris, his research has been published in a number of academic journals, including the American Journal of sociology, American Sociological review, law and society review and symbolic interaction. Dr. Harris's book, a pound of flesh monetary sanctions as a punishment for the poor, investigates fiscal sentences imposed to felony defendants and the consequences for legal debtors. And given the recent shenanigans in Florida over criminal justice debt, I cannot think of a better time to have her as a guest on my podcast. Welcome to the decarceration not nation pod cast. Dr. Harris.

Thank you so much for having me.

So I always ask the first question, the same first question, how did your life lead you to the work you're doing now?

Oh, well. So I'm a sociologist, and I study I framed my work is setting issues of social stratification and inequality. So looking at institutions, and how disparities and inequality exists within those institutions. So that's sort of my background. But in about 2006, 2007, a colleague of mine, and I responded to an RFP from the Washington State minority injustice commission, and they were interested in studying something that we knew nothing about, they were called IF of legal financial obligations. And so that gave us access to a sample of cases sentence in Washington state with the final fee and restitution amounts attached. And we also did interviews with people who have that, and it just opened my mind to the world world of monetary sanctions and how they operate. So how when people make contact with systems of justice, they are sentence to find fees, costs, surcharges to everything under the moon they're charged for. And so that's really the first moment that I became aware of these. And then after that work, was my collaborator, I decided to write a book on this issue and really dig in and study how to how it work in Washington State.

And have you had it done people who are impacted before? Or was this like, literally an opening of your mind from the very beginning?

You know, I think I definitely have known people in my life who have been impacted by the criminal justice system, the issue of monetary or sanctions, or legal financial obligations never came up. You know, and I did my dissertation on juvenile courts, and I shot in juvenile hearings, and I did hear kids being sentenced to thousands of dollars. But to be really honest, I think it was my middle class orientation at the time that didn't, I wasn't thinking about the consequences of this debt for individuals. Instead, I was

thinking about where these kids being prosecuted as adults where they serving time, you know, the confinement issues. And I think that's really where our focus in the United States has been on incarceration, jail or prison, or not your felony conviction or not, and we haven't focused yet on all of the district's additional ways that our systems of justice control people and the key way is imposing thousands to millions of dollars of debt to individuals, who will never have the opportunity to pay it off in a lifetime.

So the first line and chapter one of your book is, at the time of our interview in 2009, Kathy over \$20,000, in monetary sanctions to the Washington State Superior Court, she was disabled and living with her three children, ex husband and father in law. There's a lot to unpack there. Not everyone, not everyone understands what we mean by criminal justice, debt or legal financial obligations, can you talk about the many forms this takes?

Right, so the legal financial obligations are can be the additional, the fine and fee that's on your traffic ticket. So I think a lot of people can relate to getting traffic moving violations and having to pay an amount but don't realize that that amount is both the fine which is supposed to be a punishment for your actions. And then a fee that's charged, in addition to that fine to process your ticket to support clerks to process the ticket and accept your money. So those types of fines and fees are attached to every type of conviction that someone receives from juvenile offense, attract traffic offense and misdemeanor to a felony to crimes that are convicted in the federal system as well. So there's all of these layers that go on. But what happens for many people is that they'll get a finer fee, they'll go to jail, or prison, lose their employment. And they come out with a great deal of debt until last year in Washington State. And the this court imposed costs, accrued 12% interest in Washington State and \$100 annual surcharge, even for people who were incarcerated, in jail or prison. So this is a huge amount of debt that people have sitting and they may make the \$20 \$50 payment that they can make each month, but they will get a bill and that bill would increase even with the payment. So for Cathy situation, she went to

prison, she had a felony conviction, she was divorced, but she couldn't get an apartment because she didn't have any credit, or regular income to show that she could have her own lease. And so she was forced to live with her ex father in LA, and in an apartment that was not suited for, you know, two or three people, much less her entire family. And she was getting stability. And so I think so we have this system of monetary sanctions. But we also have to recognize that a large portion of the people who make contact with our systems of justice and go to jail and go to prison, are people who are underemployed or unemployed, who have mental health issues who have drug or alcohol addiction issues. This is a population that does not have a lot of money. But in complete disregard to that fact. They serve their time they get their conviction, they serve their time, they come out trying to make a better life for themselves. And the state puts thousands of dollars on their back and mandates that they make regular payments. I think many, many more people need to become aware of it that this is being done in our names in all of our names of citizens.

How did you approach finding folks to talk with about criminal justice debt? What was your process?

So we had an amazing research assistant, who is now a lecturer with a PhD Heather Adams who did a lot of the interviews, but we did interviews. And it we're doing it where we did interviews last year on a bigger project on the eight states study of the system. But generally we would try to recruit people at the courthouses, we use Craigslist for the current study. We left flyers at probation officers and defense attorney offices at homeless shelters, just trying to to tap into understanding how the system works and really understanding from people whose lives are impacted, what are their perspectives? And what are the ways that they think the system should work, in contrast to how it really was working?

Did you find that you had to find different ways to approach formerly incarcerated and impacted folks compared to other research that you've done? Or?

Well, I mean, basically, all my research has been on this area trying to understand the consequences of processing for people who have been impacted. So you know, I had had contacts with different types of organizations that have people who really want to have a voice and explain their circumstances. In a lot of the interviews, people said, I want to be held accountable. But I want to be held accountable in a way in which I can actually do it. Where I'm not facing this for the rest of my life. So people were very open with sharing their their life stories. And I really appreciate that because I think, you know, hearing Kathy story or Vilma story in my book is another person hearing those stories and understanding their circumstances in the context. And seeing them really try to move forward productively in their life. highlights how this integrative disruptive these financial punishments are for people know,

When I got out I had over \$10,000 in criminal justice debt was the \$20,000 that Kathy owed representative number during your research?

You know, we had it's really hard. I'm talking with a lot of people in this right right now about this issue is very, very hard to have accurate data on the amounts that people are sentenced to, and the amount that they pay and the amounts, that outstanding debt. We do know at the time, based on the data in Washington state that the average in Washington 2004 sentence per felony conviction was 1400. That was per case and that many people had multiple cases. But that's something that with I have a team we're studying eight states across the US right now trying to kind of figure out is can we get an average number? About how much people Oh, and how much is outstanding? I do you know, in Washington State, if I can find these numbers, we have a great deal of amount outstanding, that is just not collectible. And so I think that's one thing that we need to start having

conversations with, with our clerks, with our judges, with our policymakers, it's really understanding that there's a lot of money out there that's causing a lot of harm and debt, that we're just never going to recover. And we might as well kind of do away with it, and let people move forward with their lives. And it's kind of a weird combination of factors kind of the opposite of a virtuous circle.

Can you talk some about some of the other like the total challenges folks faced as a result of not just employment and housing discrimination as a result of being impacted, but also the criminal justice debt, how those all work together?

Oh, definitely. I mean, there's a large amount of research that shows the consequences of contact with the criminal justice system, I'm just having a felony from having having been incarcerated. There's work that examines the effects on families on children of having a parent incarcerated on communities. A great deal of work that shows how having a felony conviction negatively impacts your ability to gain and maintain employment. Securing clean and sober, safe housing. Having a felony and being incarcerated impacts people's lives in so many different ways to reproduce inequality. And so in addition to having debt, people can't get access to apartments, as Kathy can't get access to car loans. They can't it for many reasons. If you have a felony conviction and you have debt, you can't access higher education and get more credentials needed to get jobs to pay back your debt. Some jurisdictions sell the debt to private collectors, and so you have private collectors constantly trying to recoup their money from you. So there's so many different rounds, that having both a felony conviction being incarcerated and having that negatively affect one's ability to move forward and be successful with their life. And I always like to say at some point in interviews is that I'm not saying that people who have violate who've been found to have violated the law should not be punished. But what I am saying is that we need to think about ways in which people can be punished, but also move forward, they can have accountability, they can

recognize that what they did was wrong, but then they can move forward and be successful, productive citizens, parents, siblings, daughters and sons. And right now we have a system that really disables people's ability to for the rest of their life with this that to be happy and productive citizens.

I always say that if you can't provide a path for people to come back, why would they ever, you know, consent to participate in a system that won't even include them? You know, I mean, what's the right? So you talked earlier about the fees themselves, and then also the fees for the processing. But there's also a problem of interest rate right?

So in some jurisdictions on Washington state, we did away with it last year. So new cases are not accruing interest right now. But in many other jurisdictions, interest still remains on cases that are sentence. And also the cases that the jurisdictions either the City County, that work contract with private collection agencies, those collection agencies like in Washington can by contract by art code, the RC w code allows the private collectors to add 50%. So if I'm sentenced to 1000, then they can add 500 on top of that, so these costs just ballooned for individuals. And then in Washington, we still do have \$100 annual collection fee. So that's being added on top. So So and then there's no recognition on people's ability to pay at sentencing. We just had a case in Washington State Supreme Court is extremely disappointing Catholic is that is the case name, where the person was challenging the person was has a permanent physical disability, and was sentenced to fines and fees. And his only source of income was Social Security income. And it's illegal to try and take to force someone to pay debt out of an SSI. And so that was the case and that in the Washington State Supreme Court found and it to me makes no sense, but that there's a difference between sentencing someone to pay versus collecting. So the court was told that you can sentence this person even if their sole source of income is Social Security, you can sentence them to legal financial obligations, but the court can't require that persons that pay so they still have to report regularly to the court and to prove that they're on SSI.

And that they don't have any future ability to pay. So they regularly reporting to the court having to show up. But the court just can't mandate or incarcerate them for not paying, it makes absolutely no sense. So we're working with them. And that's why I call it a system of monetary sanctions. We talk about fines and fees, and restitution and surcharges. But it's a water system where people who make contact with their systems of justice are forced to pay and they're either paying at multiple levels, which I think is an important point to make. So you you pay it a point of arrest. If you pay Bail Bonds you pay for a private attorney, if you can afford one, you might have to pay to enter into an evaluation to see if you're eligible for public defender. You pay a sentencing through fines and fees and court processing charges. You pay when you're incarcerated if you have to pay to pay pay to do a video visitation or to get a tablet so you can communicate and maintain networks with your family and friends. You might have to pay, if you're a put on electronic home monitoring, you pay monthly, you pay for the setup, you pay monthly for the monitoring, if you're on probation, you pay for probation. And there's so many different what we call justice system cost points that people face. And many of these, it's super important to to note that many of these cost points are private entities that are allowed to generate revenue from a captive audience with no public review of these contracts. And so the system of monetary sanctions is something that we really need to dismantle, we need to shine a big light on and understand who's making this money, how much money is really being generated. And extremely consequences that people face when they owe this debt.

I think one of the themes of the book in a sense is that, in a way, it's a form of never ending parole and probation. I mean, I think my friend James Kilgore has called it another form of incarceration. But I think at the very least, it's never ending you if you continue to have the debt, you continue to have to come in and be responsible to criminal justice system operatives?

So, definitely fair, I have two colleagues, actually graduate students who are developing a paper right now. And they really they would they call it that Michelle cat again, and Gabrielle a Kirk. And they call these procedural pressure points. So even we people owe this debt and maybe the the, the state isn't, or incarcerating them for non payment, but they still have to show up to the court, they still have to go to review hearings, they still have to show evidence that they're still poor. In many instances, if you owe this debt, your driver's license suspended, and if you're pulled over driving on a suspended driver's license, trying to get your kids to school or trying to get to work, right, you can be incarcerated for that. So we have a very counterproductive practices infused throughout our systems of justice, that lead poor people to being incarcerated to losing their drivers license, so losing employment that they need to pay the court. And it just is very inefficient. It's very ineffective, and I argue is very unethical.

I definitely would agree with you on that. You make the contention that most post poor folks or at least many folks who are poor, who are facing this kind of debt will be indebted to the state for the rest of their lives. What was kind of the basis for this claim? Not that I disagree, just...?

Well, I am at the book came out in 2016. So this was prior to the, to that 2018 legislation in Washington State. And then the accrual of interest. And I have to say it's just on its on non restitution, these people are expecting some restitution, that still has 12% interest occurring on it. And so it was based on sort of how these costs of bills for contact with systems of justice increase over time. But in reality, for people who are unemployed, or who have mental health, illness, or who are on SSI, who are sentenced to this debt, for many people, they can never pay it. So it becomes a permanent punishment, if you are poor, and a very differential system for people who have means from those poor are poor.

And, yeah, one of the things I was thinking when I was reading it is just you know, a lot of in all money, in a sense is fungible. And, you know, I was

thinking about, you know, someone who's, you know, it's hard enough to get a job when you're formerly incarcerated, I can definitely, you know, attest to that. But once you get one, you're probably not making a ton of money, and you'd say you have a family, you know, this money that could be going for instance, to your children is now kind of going to the state, you know, you know, may not literally be the prison that the school to prison pipeline. But you know, I mean, there's a lot of these kind of counterproductive, it seems like there's an awful lot of counterproductive the activity to this, this whole system?

Right, there's some people are forced to make really difficult trade offs, and I think, in the system are so dang judgmental, and we say, well, they should have to pay and their children shouldn't come first or, you know, but if you really think about it, if you aren't able to get your kids a cake for their birthday, or a small gift for, for whatever holidays you celebrate, that makes a big difference in in your in your family, and you want to be able to provide for your kids. And for many people who are living paycheck to paycheck, even an additional \$50 a month is really, really difficult to make regularly throughout the year. And then on top of that, the people that I interviewed for the book, I mean, one man was, had full blown aids and said, when I get money, I need to buy healthy food, or I need to pay for my prescription. So the state is taking away from my ability to live in a healthy way. One man was homeless. And he said, I can't remember how much it was now, but the 350 or 450, it costs to go downtown to take a shower in the public shower facility. I need if I get any extra, quote unquote, money, that's how I'm going to use the money is to clean myself like so. It's that extreme for many people living in these circumstances. And the folks who have so much power and privilege within our systems of justice are blind ignore don't care about the real life circumstances and consequences of this. That is this little later. But this seems like a good transition point for it. It seems to me that a lot of it is that not just blindness, but also kind of a willful blindness based on kind of the notion.

You know, that if we you know, low taxes are good without the recognition that low taxes is actually regressive taxation, that the people end up paying the taxes are jet are actually the people least able to pay them is that Do you think that's fair?

Right. I think that's exactly that's very fair assessment that you're making is that we're transferring the cost of the criminal justice system on to the very people who cannot afford it. And this is a big argument, a big discussion with a lot of people, if you will stakeholders within systems of justice make is that they argue, well, the state legislature is not funding the local court system as it should. We can't manage our courts are pleased whatever the clerk's offices without these fines and fees, we need them. And my pushback is that so then you push back to the legislature and get the money. There is one way we're using think, outside of the box. How can we decrease the cost of our criminal justice system, I argue that this increase in fines and fees that we've seen in the late 90s, early 2000s is really a result of mass conviction and incarceration and jurisdictions after 44 years, or you know, 30 to 35 years of Matt conviction incarceration jurisdictions can't afford what they're doing. We've incarcerated way too many people for way too long of periods. We're processing way too many people through the court system, we don't have the personnel the time to do it much less than the money to do that. And so you see in local and state legislatures, you can look at the public record, and you can see clerks and other agencies going to the state legislature asking for to revise the code, the Criminal Code and add more fines and fees for this cost and that cost. And so we need to back that up. And we need to think not only can the legislature provide more money, but how can we budget, right, we all have to budget? And so how can we decrease the numbers of people that we have incarcerated? How can we decrease the number of people that we bring into the court system and maybe help them instead of incarcerating them and putting this debt on them. And so there are options Washington and legalize cannabis, and this needs billions and billions of taxes off of the cannabis. Now I have problems with the way that it's structured in in

Washington State and who can have access to the industry legally, versus illegally and that we, but we can we can assess our laws and decrease the number of people who are criminalized and not bring into the system, we can also release the people who are sitting in jail in prison now for buying the weed that you know, my next door middle class, white mate, white neighbor, can go by legally now. Right? It makes no sense that someone that we're paying as citizens to house someone who's did the same thing once that is now legal. And it's very racialized, who's being behind bars for this behavior versus who's making money off of this behavior? So we need to push back and say, wait a sec, we don't have to impose this that this extra tax on poor people racialized people, people with mental health and drug addictions, instead, we can get more money from the state legislature. And we can figure out how to decrease how much this massive criminal justice endeavor is actually costing us.

Yeah, that makes a lot of sense. I think, for most people, and I assume even many impacted people. And I think we've talked about the he talked about this a little bit before, would believe that one legitimate purpose of this debt is restitution, helping victims. But I also noticed in your book that your research suggested that victims were not always the primary beneficiaries of this collection of debt in their name, is that accurate?

That's accurate, and there actually hasn't been too much of analysis. So people are just saying this. And I think there's several issues to restitution. I think that it's a difficult conversation to talk about fines and fees and restitution in the same bucket. And a lot of advocates for change, don't want to talk about restitution because they're fearful that it's going to push people away from rethinking fines and fees, sentencing them now. But I think that we we have to talk about all of these monetary sanctions together. That said, I think that that victims should be prioritized in trying to be I mean, you can never be made whole as a victim. But just trying to recapture something financially to address costs, whether it be you know, healthcare costs, mental health costs, or you know, your car or your

insurance. But I do think more research needs to explore how much of restitution is actually going to insurance companies, or to some other private entities and not directly to the victim, we also need to figure out and assess, which is really hard to do is to look into the data in Washington. It appears that some jurisdictions were accepting payment from a person who owed fines, fees and restitution and collection costs. And those jurisdictions were taking the collection costs before they were reallocating money to victims. So we need to make sure that when people make payments, that those payments go directly to victims, first and foremost, and that counties or other private entities are generating revenue from those payments. So we know we can't ignore this piece of this discussion about monetary sanctions about restitution both in the sentencing of restitution, so we make it realistic, so people can actually pay back the restitution, but also really exploring our victims receiving the restitution if the person charged with the crime has been paying it.

I think earlier, you suggested that they maintained the interest on debt only for restitution. What was the reasoning behind that in Washington? I mean, what was the reasoning for that?

You know, I see, I don't know what their reasoning was. I don't know. I mean, sometimes the opposition to changes in legal financial obligations was that it was too hard for accounting. So I don't know if that was the reason? Or if that I don't know if that interest actually goes to victims. The fiscal accounting is a Pandora's box when we there's so much we just don't know about it. And I think in some way that makes it easier, more thinking. I think we find that in all areas, I think we find that in all areas of the criminal justice, definitely. I mean, there's so much we don't know or understand, but I just think this but it's ironically, it's what clerks and policymakers rely on, they say, Oh, well, we need this money, because but they don't I mean, you find me a clerk who actually knows all of the on the average amount that's being sentenced, the amount that's being paid, the amount that's outstanding, and where all those dollars go. And, you know, I would love to

have a conversation with that clerk, but I haven't met that person yet. I don't really think that people are tracking this. I think that's the big problem, too, is like, if you can imagine a building with scaffolding all around it. That's how our criminal justice system looks. Now we have so many different codes and statutes and fines and fees and people and stakeholders, from private to public. It's a huge mess. And that's why I think it's, we're struggling to try and dismantle it, and try and hold the people in power responsible and have the data to explore and there's so many different dimensions and problems with it.

So let's address kind of the recent elephant in the room last week, the Florida Legislature passed a law which limits the scope of amendment four, which was a constitutional amendment designed to let formerly incarcerated people vote. This new legislation will clarify the amendment to ensure that only people who are fully serve their sentence, which, which in this case, operationally means paying off all of your criminal justice debt would be eligible eligible to vote. Do you want to have any general feelings about this? This?

Yeah, I mean, it's just it's super disappointing. But I really, I don't believe it was the will of the voters and Florida to disenfranchise continue to disenfranchise so many people. And it created in further reinforces the two tiered system of justice that people with means are going to be able to pay their fines and fees and get their right back to vote. But poor people can. I mean, that's literally what's going to happen as a two tiered system of justice, one for people with wealth and when for people who are poor, and I, we should have, I don't know, I don't know how we could have raised the flag here in Washington and said, hey, we've been here, because this is what used to happen in Washington State is that you couldn't vote and do a lot of other things until you had all your fines and fees paid. And there was a Washington State Supreme Court case that challenge this, and the Washington State Supreme Court, sort of, I can't remember the decision or the right language. But they found that it was constitutional that it wasn't a

poll tax, essentially. And so the year later, in 2009, the Washington State Legislature passed a bill that now allows people with outstanding fines and fees who have completed all other types of punishment. But people with outstanding fines and fees have what's called a provisional right to vote in Washington so they can vote. As long as they're making regular consecutive consecutive payments. If they miss three, I think it's three in a 12 month cycle, then the prosecutor can petition the court to remove that provisional right. So I kind of I bet that maybe wash or Florida might go in that direction. But I think it's still ridiculous. I think that we that people need to I think that people in jail in prison should have the right to vote. I mean, I don't know how they say online, but I've been been pretty vociferously defending that for ever since Bernie said it a couple weeks ago.

Yes, I mean, I think that we need to have a broader conversation, and what is the purpose of punishment in this country? Do we really have this notion that people can serve their time and be held accountable and receive possible but then we want them to move forward in their lives. But right now we have the system that marks them. diva, my colleague, diva pager, who recently passed had a wonderful body of scholarship that talked about the mark of a criminal record, do we really want that mark? To follow people for the rest of their lives, it's not creating a safer society, it's not showing humanity to our neighbors. It's not benefiting anyone except for I would argue private companies who are able to profit off of the system of criminal justice, not even really sure there's a connection. In fact, if anything,

I've read research that suggests that voting actually reduces recidivism and crime. So I've been trying to figure out what from a policy perspective what the what, what the reasoning is for connecting the two. And I mean, there's no part of your sentence that says you can't vote that's a political questions. So?

Well, I mean, that's a real sort of philosophical a real sort of legal slippage between a right and a privilege, right. And and a lot of these people that are

against allowing people to vote says that the right to vote is a privilege and and if you violate sort of the this general contract that we have around about laws in this country, then you lose that privilege, or you should lose that right. And it makes no sense. If if this is the thing is I don't think that we're all thinking about how we want to Yes, punish and hold accountable people who violate our laws. But then yes, we want them to be happy, successful parents, and siblings and citizens and employees of this country to help, you know, make this country better, as everybody so dang concerned about. So if that's our the latter thing is, is our concern and our priority, then when we would create mechanisms and policies and practices along the way that yes, we punish them, hold them accountable, but then also would help them be productive, at least maybe if we don't even help them, but at least we don't put yours in their way of being productive citizens. And I really think that's what we're doing in this society.

Well, I think, you know, another huge part of your book, I think, is this notion that so much of this is racialized. I mean, as I've said many times before, it'd be impossible to walk into a jail and prison, the United States without seeing the racial disparities. But I also think if you look at all these other you know, voter suppression, gerrymandering, prison, gerrymandering, Criminal Justice debt, you know, you go through the list of it all is unbuilt, unquestionably, you know, racially disparate. And I think your research bears that out. Is that not correct?

I think so. I don't, yes. So, in my last chapter of my book, I try and sort of sum up a step back out. So I look at Washington, specifically in the practice of monetary sanctions. But then I asked the reader to step back and really think about the legacy of social control race and class in the United States. And I know people don't like, like to go backwards. Right. But hey, our president is that asking us to think about how our countries to be so I can ask us and think about, I would say, it's not backwards, it's happening? Well, that's what I argue from the inception of this country, we had colonization and the mass killing of native population, we had the

enslavement of people from Africa, for 265 years, we had slavery so people didn't own their own bodies, their bodies and their labor was used to make profit for private industry, and, and then move in that period. Individuals who are who were enslaved were leased out to private companies. Then we had the practice of of slave codes, which limited what black people could do, and we move them to black codes, which really essentially rien slave people for unfair, you know, congregation on the corner would be a violation of a black code or being out too late at night. And that would allow that person be convicted. And the 13th amendment very clearly said neither slavery nor involuntary servitude, except as punishment for crime, where of the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction. So the black codes incarcerated, and essentially, we enslaved people, we had convict leasing. So people we didn't even have, during black codes we didn't early on, we didn't even have physical prisons. So the state leased out just like they did during slave leasing leased out black bodies to private, the coal industry, to the very plantations, that people who were enslaved work. And once states felt that that was too violent, and you had death rates of, you know, depending upon the state in the industry, 30 to 60% of the population dying, while they built prisons, and they turned to forced labor. And so prisons were built parchment farm were built literally on plantations, that install, people were forced to labor. And so we had forced labor. And then we move into the 1974, ish, early 1970s, the mass conviction incarceration, and now we move to monetary sanctions. So today, we have these monetary stations that are imposed on bodies, people are out in society, and have their so called freedom, but they're currently labor and their future labor is owed to the state. So it's not much different. I'll argue, and I'll say it, then the social control involved with slavery. So I argue that these fines and fees and all these monetary sanctions are just a contemporary iteration of the ways in which social control has used through the state for to control marginalized people who are racialized or poor.

And to get to the poverty part of this, if you and I and I think you talked about this a little bit before, too, if you and I are convicted for the same crime, and my parents have a lot of money, and you have no money, the way that works out as much differently. You know, I mean, I don't know if I'm not a lawyer. So I can't say it's literally an equal protection issue. But it seems like people with money have an entirely different experience with the criminal justice system?

Definitely. I mean, so I live in Seattle, and I don't live on the water, but across the water from Seattle is where Bill Gates lives. And I use him as an example of, if he and I commit the same crime. Well, you know, maybe we'll go to jail in prison and have the same felony conviction or whatever. But he'll be able to pay off his fines and fees, he might have those social collateral consequences associated with a felony conviction, but he can move forward, and he can pay off his debt, he can move forward, I can I have that felony, and I don't have the money that he has, I can't pay off my fine. So that means I have a provisional right to vote and means I have to report to court every month, it means if I miss a payment, I might go to jail. So we have a very unequal punishment and length of punishment for a longer period of time. And that's really what I advocate for change Italy thinking about how can you make the punishment if we have to have a system to find some peace? How can we make the punishment proportional to our crime, the same crime that Mr. Gates and I did, but also proportionate to to our income. So many countries around the world have what's called a day fine system or a graduated sanction. Beth Hogan is a USC UCLA law professor who has done a lot of great work around this. This is, is that. So Mr. Gates and I, we have an offense and we have a safe enough offense score, and that's at a 10. And then you multiply that by my daily wage, so maybe it's \$10. So that would be then \$100, 10 times 10. Right, but then you multiply it by his daily wage. So that amount, that is a different fiscal amount, but it's proportionate to both the same offense that we committed, but proportionate to what we can pay. And so it equally hits my pocketbook at the same as it equally hits his pocket book. And so that's

more of a sort of fair way, if we have to attacks and charge people who make contact with the system of justice. So think about how we can do it in a proportionate way.

We've talked about proportionality, and you've talked about getting rid of more people incarcerated. There was a recent Missouri Supreme Court case that ruled against debtors prisons in DC. And I think we also have this really big movement right now on kind of the ability to, for police to take property away. Do you feel like the court sir, a possible angle for trying to get some relief for this problem?

I definitely, I think I think it's good. I always say it takes all types. So I think that litigation and courts can help. And I also think, at the state level, we really need policymakers to assess what's going on and to make appropriate changes. We saw you kind of referenced maybe the *Thames* case, that was a recent case in the United States Supreme Court, and it was unanimous decision that essentially, they allow the excessive fines and fees clause in the amendment to be applied to state that failed in the decision to and again, I'm not an attorney either. So set criteria for what does excessive mean. And so I think that needs to be hammered out in courts. And policymakers need help to set guidelines on what excessive means, but in Tim's case, a man who I think had drug addiction issues, but he was convicted of buying drugs. And even in the instance where he bought the drugs, he didn't use this Land Rover, but the issue was at forfeiture of \$42,000, Land Rover and he bought that car with money that had been left to him by his father upon his father's death. So he bought this \$42,000 Land Rover, he didn't use it when he went to buy drugs. But he but the the jurisdiction forfeited his Land Rover, and the the actual cost of the fine the maximum cost was something like 1200 dollars. And so the case went all the way up to the Supreme Court. And the Supreme Court found that that was excessive, that the states need to sort of think about what access it is. And this was an example of what it would be. Another interesting thing about the Tim's case is that both Ruth Bader Ginsburg,

who made the the whole decision, and Justice Clarence Thomas, who made a concurring decision on different grounds, reference black codes, and and likened excessive fines, fees, forfeitures to the codes that disproportionately affected hindered the black workforce. So even we have very different supreme court justices currently bringing history back and recognizing the connection between monetary sanctions and the history in this country. So I do think the courts can set a precedent they can set a tone. But I think it also takes research to understand what the heck is happening for observational work. We need the data to understand where how much money is being recovered, where it's going. We need policymakers really to change the laws and how monetary sanctions operate. We need practitioners on the ground to really think through Are you assessing ability to pay the standard she is right now currently, from *Bearden v. Georgia*, willful non payment the courts are supposed to before they incarcerate someone for non payment, assess did this person have the ability to make payment and that they just choose not to and across the nation, this is not happening in any systematic way or a fair way in determining whether or not someone has the ability to truly make a payment.

I know I'm paraphrasing a bit here but I know Maryam Kaaba has said when people ask her what should you know, if criminal justice reform happened in the right way? How would you know what what would it look like? And she said, Well, probably like your neighborhood. You know, and I've always thought that, you know, we kind of do things backwards, which is we penalize impacted communities instead of investing in them. How do you feel about justice reinvestment as a potential answer, or how do we get there? If you have any ideas on that? It's a big question.

Well, I specifically in terms of monetary sanctions, I argue that we we should not have monetary sanctions for felony conviction that people convicted of felonies I what I call a punishment pie, they have jail or they have prison time. They have community supervision or probation. They

have drug and alcohol counseling and treatment that they'll have to pay for in the community, they might have electronic home monitoring, they might have to attend victim panel classes that they have to pay for. So there's this whole pie with lots of different pieces of punishment that people at the felony conviction have. And I argue that having a monetary sanction for a felony conviction, in collaboration with all of these other consequences is inhumane. It makes no sense whatsoever. I think at the lower level, a lot of judges will push back and say, well, you don't want us to incarcerate for traffic tickets or anything else. So how can we come up with fines? I think the answer is looking at these graduated sanctions that other countries around the world are able to do and they do these financial sentences in lieu of jail or prison. So we can rethink the the financial piece. But I also think we need to back away and think about how the criminal justice system is funded in general, and rethink the funding strategies, the funding sources, and the crazy costs of the system and how we can cut it back how we need to cut it back. So I think these broader conversations about punishment, what is the point of punishment, doing away with monetary sanctions, not allowing courts to rely on monetary sanctions to keep the courts going, and then thinking about what a really are constructive ways in which people can be held accountable for their for offending, and supporting them as they move forward in their lives?

Makes a lot of sense. So I always ask the same last question. What did I miss? What questions should I have asked but did not?

Oh, I you asked great question. I think, I think maybe it's what can the average listener do? And I think that would be you know, I would I always encourage people to go to their local courthouse and sit in on hearings, they should be open to the public. And watch what happens on the regular, who's in the courtroom, how our judges treating the individuals before but just get a sense of how, quote, unquote, Justice is operating in your jurisdiction, and then really work with support financially, or support with your presence and your ideas and your elbow grease, local organizations

that prioritize people who are impacted, giving them a voice, and supporting what people who are impacted need and want in terms of, you know, on the groundwork, or advocating at the state legislature, I really think change has to come from our state policymakers. And in the laws. That's where I think our true focus needs to be. Yeah, I think that's this is making sure you give, give any power privileged that anybody has to support people who make contact and uplift them and their voice and their needs and not speak for them, but give them space and the support that they need to fight for what, what they want, they need to move forward to be productive, because if we're not supportive of the people who are struggling in our society, then it's really going to hurt everyone. That's, if that's how we have to understand it. It's going to hurt your public safety, it's going to hurt your taxes. It's going to hurt the general well being of society, from our schools, to the criminal justice system to any other types of institution, our society.

Is there anything you want to say about your website or your book or where people can get it? I can't recommend the book enough. I thank you.

Well, the book is called a pound of flesh monetary sanctions as a punishment for the poor. And you can find it it's published through Russell Sage foundation. And you can google Russell Sage foundation and a pound of flesh. Alexis Harris, my name is a l e x e s. h AR is too easy. No, I. It's also on Amazon. And I'm on I have a website, Alexis Harris calm, which you can get a lot of information about my scholarship. And I'm on Twitter at Alexis Harris. AI Yes. Yes, AJ r is.

I know that because that's how I originally met you.

You're my Twitter friend. Yes. Thank you.

That's how I meet most people in this business. And interestingly enough, creates interesting communities. Yeah, for sure. So thanks so much for

doing this. I like I said, I really enjoyed the book. Great to have a conversation with you.

Yeah, I really like talking with you. Thank you so much for taking the time. I appreciate it.

All right, talk to you later.

Okay, take care.

And now, my take. We've designed our criminal justice system in the most counterproductive way possible. Because impacted communities almost always have serious financial need, we should be investing money into these communities to help create better outcomes. But instead, we invest in surveillance, policing and incarceration of these communities. And consider that a solution instead of the root of a large part of the problem. Because prevail detention has such bad outcomes, we should have built a system that prefers almost anything over putting people in jail, but instead, we make it almost impossible for anyone without money to get out of jail quickly. Because incarceration has such terrible outcomes, we should build a system that only uses incarceration as an absolute last resort. But instead, it is always our first last and only option. Because the best ways to fight recidivism new crime is to ensure that people come back from incarceration with the skills necessary to overcome employment discrimination. To earn enough money to overcome housing discrimination, we should have built a system that starts preparing people for successful release from day one. But instead, most prison time is dead time. Because the best way to ensure people change their lives is to provide them with a clear path that rewards them for distance from crime. We shouldn't be lighting a clear path to full return to citizenship holding up instead of shaming the folks who returned and succeed. But instead, we make sure that people can never escape from public criminal records from licensing restrictions, and make many cases even the ability to vote. If you don't

provide people with the pathway to success. Why would you expect them to invest in our system. Because the best way to ensure people can reenter successfully is to put as few roadblocks in their path as possible. We should be welcoming folks back and helping them to succeed. But instead, we load them with 10s of thousands of dollars in criminal justice dead making it virtually impossible for them to ever fully return or escape surveillance or the criminal justice system. My abolitionists friends often say that the system is working exactly the way it was designed to work, and I can't really disagree with them here. If we want to reform the system, we need to start by changing our mindset. We need to start by realizing we are creating more problems than we are solving. It is time for an honest reckoning. It is time to radically reimaging Americans criminal justice system, not because we are necessarily radicals, but because our system is radically counterproductive.

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